

BOARD OF MAYOR AND ALDERMEN

January 17, 2006

7:30 PM

Mayor Guinta called the meeting to order.

The Clerk called the roll. There were thirteen Aldermen present.

Present: Aldermen Roy, Gatsas, Long, Duval, Osborne, Pinard, O’Neil,
Lopez, Shea, DeVries, Garrity, Smith and Forest

Absent: Alderman Thibault

3. Presentation of Arts Award to Mr. Doug McNinch.

Mayor Guinta requested Peter Ramsey, Chairman of the Arts Commission, to come forward.

Mr. Peter Ramsey stated I’m Chairman of the Arts Commission and I’m very proud of that fact and I’d like to invite Georgie Reagan up please. On behalf of the City of Manchester Arts Commission I am very proud to announce today that the Arts Commission wanted to honor a man most of us know who has committed hours and hours and generosity, has a deep love for the City of Manchester and has an undying love of the arts. Ladies and gentlemen, I would like to invite Mr. Doug McNinch up and Mr. Mayor if you’d like to read this on behalf of the city.

Mayor Guinta stated “the Manchester Arts Commission on behalf of the City of Manchester this Certificate of Appreciation is hereby granted to Doug McNinch in recognition of an individual or entity who exhibits outstanding achievement in supporting, promoting and encouraging the arts in Manchester. Granted this day January 17, 2006”...signed by the Chair Peter Ramsey and members Kelleigh Domaingue, Richard Maynard, Al St. Cyr, Jessica Kinsey and of course Georgie Reagan the Assistant for the Arts for the Mayor’s Office who will certainly continue in that role. I want to congratulate you and thank you very much.

Mr. Doug McNinch stated I hadn’t planned any kind of speech here but I just want to say that I think it’s important that it’s important that the City of Manchester support the arts as well both through its school system, the support of the Palace, arts throughout the city...it’s here and if we don’t keep it Manchester will slowly lose its soul.

4. Presentation of the Parks, Recreation and Cemeteries Master Plan by Peter J. Smith and Company Consultants.

Mayor Guinta stated we did have a presentation regarding the Parks Master Plan but due to illness from one of the presenters we are going to move that to a later date.

CONSENT AGENDA

Mayor Guinta advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Approve under the supervision of the Department of Highways

- A. PSNH Pole Petition #11-1097 located on South Gray Street;
PSNH Pole Petition #11-1098 located on Chenette Avenue;
PSNH Pole Petition #11-1099 located on Hayward Street; and
Verizon Pole Petition #9AAXZC located on W. River Road.

Informational – to be Received and Filed

- C. Communication from Kevin Buckley, Independent City Auditor, advising of the status of the RFP process to select an external auditor for the next five years.
- E. Minutes of a meeting of the MTA Commission held on November 29, 2005 and the Financial and Ridership Reports for the month of November 2005.
- F. Communication from the NH Department of Revenue Administration submitting the City's 2006 Statewide Enhanced Education Tax assessment in the amount of \$23,431,979.
(Note: copies forwarded to Board of Assessors and Tax Collector.)
- G. Communication from U. S. Senator John Sununu relative to SB1504, Broadband Investment and Consumer Choice Act.

Informational Only – referred to Committee on Lands and Buildings

- I. Communication from Diane Prew, Director of Information Services, advising of recent flooding at the offices of the Information Systems Department.

HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN O'NEIL, DULY SECONDED BY ALDERMAN OSBORNE, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.

- B. Communication from Virginia Lamberton, Human Resources Director, advising of the receipt of funds in the amount of \$105,271 from Anthem Blue Cross Blue Shield of NH for the prescription drug rebate.

Alderman Shea stated as former Chairman of the Human Resources Committee and on behalf of the former Committee members Betsi DeVries, Mike Garrity, Armand Forest and Mary Sysyn who is no longer with us we would like to thank our health plan consultants Group Benefit Strategies as well as Virginia Lamberton for their diligent efforts through

intense negotiations in securing over \$105,000 in rebates from our health plan providers and this is from July '04 to June '05. Your Honor, it's money that will go into the health reserve fund, which obviously we had to tap into this year so that is a fund that obviously provides for catastrophic expenses. So, again, these people should be complimented because it was a very intense negotiations.

Alderman Shea moved to receive and file the communication from Ms. Lamberton.

Alderman DeVries duly seconded the motion.

Alderman Gatsas asked Ginny can you tell me what was the gross amount of the prescription drugs that was covered by this \$105,000 rebate.

Ms. Virginia Lamberton, Human Resources Director, replied I honestly don't recall specifically but about...we pay for our employees between three and four million dollars for prescription drugs.

Alderman Gatsas stated so that's about a 3% rebate.

Ms. Lamberton stated I didn't do the math.

Alderman Gatsas asked how long is the contract with Anthem on the rebate purpose.

Ms. Lamberton stated we will get another rebate next year and then we'll get a rebate the year after. We will be putting the health insurance out to bid again next fall because our contract with Anthem expires on June 30, 2007.

Alderman Shea stated may I ask Ginny if there weren't intense negotiations on your part as well as the people from the carrier company would you have received that rebate this year, next year and the year after?

Ms. Lamberton replied no as a matter of fact I learned about rebates probably four years ago and Anthem had told me that it was impossible to give us rebates, etc, etc, etc. and so when we did the bid this time we put in the bid don't even send in a bid unless you're willing to give us a rebate and Anthem figured out a way to do it in order to bid.

Alderman Gatsas asked have you heard of any other percentages of rebates Ginny or did they tell you that 3 or 4 percent was a good amount because at the state level we're looking at somewhere between 15 and 16 percent on rebates. So, I want to make sure that there was intense negotiating.

Ms. Lamberton stated there was. Actually, I don't know if you recall or not but probably three years ago Jack Sherry who's the principal of Groups Benefits Strategies hired a

consultant who did pharmaceutical...that was her expertise and she told us based on our numbers at that time that if we could get rebates to get between \$50,000 and \$350,000 it just depended on how Anthem negotiates with their pharmaceuticals because that's an issue too that they negotiate at another level.

Alderman Shea may I ask Alderman Gatsas whether the state has received rebates in the past?

Alderman Gatsas replied absolutely, Alderman.

Alderman Shea asked could you give us those figures, please?

Alderman Gatsas stated sure I'll get them for you.

Mayor Guinta called for a vote on the motion. There being none opposed, the motion carried.

D. Minutes of a meeting of the Mayor's Utility Coordinating Committee held on December 21, 2005.

Alderman Roy stated my first simple question for you and then a comment depending on your answer...this is the Mayor's Utility Coordinating Committee and are you going to be extending and keeping this committee in place? Not to put you on the spot but my comment then is if you do I'd like to see the attendance and the updating of this report continued so that we could go ahead...it seems that with the attendance page a lot of people don't go to these meetings month-after-month on the city side. I can't actually ask private companies to participate as much as they can or time allows but it would be nice if on the city side they were attended and the report was updated for our meetings. This is not a new issue but one that's gone on for some time now.

Mayor Guinta stated I will keep this committee in place. I think that there is certainly a cost benefit to the city and I so noted regarding attendance issues and we'll have a communication for the next meeting regarding that matter. Further questions.

Alderman Roy moved to receive and file Item D. Alderman Forest duly seconded the motion. There being none opposed, the motion carried.

H. Communications from Comcast advising of accomplishments achieved in 2005 and notifying the City of some pricing changes that will go into effect for certain services beginning February 2006.

Alderman Shea stated the citizens of Manchester have to realize and understand that cable fees are not regulated by the Aldermanic Board but by the federal government and our Board

has absolutely no control over what rates Comcast or any other carrier wants to charge and I think there's probably some kind of a misconception that the people who are on this Board are responsible for any changes but again it's an unregulated kind of situation at present at the federal government level...they can regulate these fees but they have chosen not to. So, I think when the rates go up for Comcast or for any other carrier the responsibility for these would not be actually traceable to us as the Board of Mayor and Aldermen. I wanted to make that clear because I did meet a few people who kind of said well you guys are raising rates and so forth but it isn't us that are raising them.

Alderman Shea moved to receive and file the communications. Alderman Duval duly seconded the motion.

Alderman Gatsas stated even though it has nothing to do with the Board in increasing rates and I agree with Alderman Shea, however, MCAM just got a raise in their fee that this Board allocated because it's based on a percentage so when the percentage goes up to the city we just increase their benefits and they really haven't done anything in the last three months that would entitle them to any more money but because of the way we negotiated the contract with MCAM we've just given them additional funding which should have gone to the general fund of the taxpayers of this city. So, with that I'd just remind everybody that from now on when we look at this we should start looking to put a cap because every year if they come in with an increase we're giving MCAM an increase and I'm not so sure that everybody's vote understood that when we put it in place. Thank you.

Mayor Guinta called for a vote on the motion. There being none opposed, the motion carried.

6. Mayor Guinta presented the following nominations:

Mayor Guinta stated I've recently been informed by Alderman Osborne of his desire to be removed from the Committee on Accounts, Enrollment and Revenue Administration. I've accepted his resignation and pursuant to Section 2.10, paragraph (a) of the City Charter I am appointing Alderman George Smith to take his place on that Committee and the new Committee is as follows: Chairman Pinard, Aldermen Smith, DeVries, Long and Thibault.

Mayor Guinta stated a further communication regarding MDC...effective immediately I am appointing Alderman Hank Thibault and Alderman Mark Roy to serve as the Aldermanic Representatives to the Manchester Development Corporation and ask this Board's concurrence in this matter. I am certainly confident that both Aldermen will advocate for this Board and oversee projects and I believe that these appointments would require a motion and would take one at this time.

Alderman Lopez moved to confirm the appointments of Aldermen Thibault and Roy.
Alderman Shea duly seconded the motion. There being none opposed, the motion carried.

Mayor Guinta stated I recently received a correspondence from Alderman DeVries notifying me of her resignation from the Safety Review Board effective January 9, 2006. On behalf of the Board I want to personally thank Alderman DeVries for her service. Pursuant to Section 32.040 of the Code of Ordinances of the City of Manchester I am appointing Alderman Smith as the Aldermanic Representative to the Safety Review Board and ask for the Board's concurrence on this matter.

Safety Review Board - confirmation

Alderman O'Neil moved to confirm the appointment of Alderman Smith as the Aldermanic Representative to the Safety Review Board.. Alderman Duval duly seconded the motion.
There being none opposed, the motion carried.

Mayor Guinta stated pursuant to Section 3.14(b) of the City Charter, please find below the following nominations:

Airport Authority- Nomination:

David M. Wihby to succeed John Mercier as a member, term to expire March 1, 2009;
and

Michael F. O'Shaughnessy to succeed Anthony Pecce as the organized labor representative member, term to expire March 1, 2009.

Highway Commission - Nomination:

Robert Rivard to succeed Edward Beleski as a member, term to expire January 15, 2009.

Mayor Guinta stated these nominations will layover to the next meeting of the Board pursuant to Rule 20 of the Board of Mayor and Aldermen. At that time, resumes will be forthcoming and I would certainly ask for your consideration regarding these nominations.

On motion of Alderman Garrity, duly seconded by Alderman Pinard, it was voted to recess the regular meeting to allow the Committee on Finance to meet.

Mayor Guinta called the meeting back to order.

OTHER BUSINESS

9. Report(s) of the Committee on Finance.

Deputy City Clerk Johnson advised that there is no report of the Committee on Finance as those items did not need to be reported out.

10. A report of the Committee on Lands and Buildings was presenting advising that it has considered a communication from JPA Corporation regarding the pending sale of the Center of NH Parking Garage. The Committee advises that JPA Corporation has indicated a willingness to proceed with the purchase and has withdrawn their request for escrow funds. The Committee further advises that based on this information the sale will proceed under the terms previously approved by the Board of Mayor and Aldermen.

Alderman Roy moved to accept, receive and adopt the report of the Committee on Lands and Buildings. Alderman Osborne duly seconded the motion. There being none opposed, the motion carried.

11. Report of the Committee on Administration/Information Systems recommending that Gill Stadium be taken out of the Enterprise system in FY2006.
(Note: Board voted on May 3, 2005 this item be referred to the next BMA initiating office in 2006 recommending that Gill Stadium be considered a top priority in being moved out of the enterprise system.)

Alderman Smith moved to accept, receive and adopt the report of the Committee on Administration/Information Systems. Alderman O'Neil duly seconded the motion.

Deputy City Clerk Johnson stated I just wanted to indicate that it's initiating in 2006 fiscal year...that's the understanding.

Alderman O'Neil stated I think it's going to have to be fiscal year 2007 at this point. Your Honor, I think what the action does is just refer it...instead of it being an Enterprise fund...a General fund item for planning purposes of next year's budget.

Mayor Guinta stated as a matter of clarification for the chair this is past administration...in this year or last year.

Alderman Smith stated this went through CIP and CIP referred it to Administration and because the budget was being passed shortly we referred it to the year 2006 for implementation.

Mayor Guinta stated so the motion on the floor would be to remove this from the Enterprise fund...does the Board understand the ramifications of that decision?

Alderman Garrity stated I'd like to have a ballpark figure of the fiscal impact on next year's budget on the General fund. Anybody going to answer me?

Mayor Guinta stated is there an expectation on the fiscal impact regarding this.

Alderman Smith replied I can give you a ballpark figure, your Honor, probably \$240,000.

Mr. Kevin Clougherty, Finance Officer, stated it depends on how much you want to subsidize the appropriation for that facility. It could be \$200,000, it could be more...that would be part of the debate of the budget process.

Alderman O'Neil stated my understanding is that the revenues generated...it costs approximately \$240,000 or \$250,000 to operate...that includes our utility costs, manpower, etc. I'm not sure of the exact number...maybe Alderman Smith knows...that's recovered out of fees although they're minimal to most of our youth organizations. It would be my position that Gill Stadium is a community effort. It should be made...always be accessible to the young people of the city. It's not different than several years ago the pools were in the Enterprise system, we pulled them out...the world did not fall apart when we did that either. Gill Stadium does not pay for itself, it never will unless we charge some ridiculous amount of money to the School District and to the American Legion baseball, the Babe Ruth baseball to the Bears football...I think it's a community facility and it should always be accessible. If I recall last year we subsidized Gill Stadium...I don't remember exactly if that was through the school budget or if we did it through our own operating budget but we paid a subsidy anyway to it. So, that's my position, your Honor.

Alderman Lopez stated the School Department pays approximately \$125,000...they get their budget and they subsidize, pay a fee to Parks and Recreation to do the operating costs. Alderman O'Neil is correct and Alderman Smith is...we don't charge enough money at Gill Stadium for the use of Gill Stadium for the use of the City of Manchester, therefore, on the city side we give an additional \$115,000 to Parks and Recreation which is where the \$240,000 comes up as to operation for Gill Stadium. Much discussion has been going on for two or three years...it's the same principle as the swimming pools in the City of Manchester that was in the Enterprise fund...they do not charge any money there and the Enterprise fund was taking care of the swimming pools and reverted back to the General fund. This is the same situation and now that we have Gill Stadium in tiptop shape and for the future yes we might need something but the General fund is always there to assist like they did with Gill Stadium in getting it up to par. So, basically, it's not robbing Peter to pay Paul so to speak principles...that we give them the monies anyway so if we put it in the General fund it's a wash anyway when you look at it. So, I do support it and Alderman Smith is absolutely correct...the last committee recommended it and during the budget process they said let's not do this and we'll take it up in January and refer it to the '07 budget.

Alderman Garrity stated a question for the Finance Officer. Alderman Lopez stated that we funded \$115,000 in the past so would this increase from \$115,000 from the General fund to \$240,000?

Mr. Clougherty stated with the Enterprise you realize that there are multiple pieces that contribute...you have the golf course and the ski area and the two skating rinks and Gill. Gill Stadium in fiscal year '05 had a \$135,000 operating loss, net loss. Had a \$109,000 the

year before. So, it has to be made up from someplace. The question becomes what do you want to subsidize. Do you want to subsidize baseball/football or do you want to subsidize skiing and some of the other operations...you want to reinvest those dollars. Until you take a look at how this particular entity fits into the entire operation you really can't make a decision on that single entity. The recommendation in the past has been that there be an emphasis in looking at other ways to raise revenue at Gill Stadium to reduce that deficit and reduce the subsidy from the General fund. Ways of doing that might be advertising, might be attracting other events, and may be a different utilization approach...those are the types of things that have been on the docket for discussion. There is a Master Plan that's been developed by consultants and I'm not sure if that addresses the potential for additional revenue, our office has done some harder statistics for the Board as well.

Mayor Guinta stated I just want to make a quick comment on that. I have taken a quick, brief look at the Parks Master Plan and it's certainly a very thorough document...one that I think we would need to really look at and possibly have our own session to have a discussion about it because if you read between the lines there's actually sort of a suggestion where it opens up the discussion to what should be in an Enterprise fund and what should not. The concerns that I have if this passes tonight is certainly the financial implication number one but number two if there's a problem rather than shifting the problem why not fix the problem.

Alderman DeVries stated it's a comment more than a question because I do believe that in recent years we have accomplished the major renovations at Gill Stadium as part of the baseball bonding that took place...that was done as if it was in the General fund, it was not done through the Enterprise bonding capacity. So, we have been treating this facility somewhat like it was already in the General fund. I guess the only concern that I have is that there does appear to be one full significant repair to the roof that we need to accomplish and we need to keep in mind that that needs to be accomplished in probably the next...I think I've heard the next seven years or something...we cannot allow Gill Stadium to fall into disarray...to have these major projects not accomplished because it is on the General fund side. To address the utilization that Kevin Clougherty had brought up...the shift in possible utilization...finally, a question would actually be to Alderman Smith who is quite familiar with the baseball utilization and maybe you could tell us the months of the year that Gill Stadium is currently booked out and what kind of time might be available for other utilization there to the best of your knowledge.

Mayor Guinta called upon Alderman Smith.

Alderman Smith stated right now Gill Stadium according to last year was used 262 day out of 365. It's mainly used by Babe Ruth Leagues and youth football recreational activities. What is happening is an Enterprise means you're using a users fee. And, this goes right back to Finance...they're looking for revenue from Gill Stadium. If you're going to do that

you're going to increase the fees for youth activities and I thought when we renovated Gill Stadium is going to be for Central High, it was going to be for all the youth activities and that's why we built the other ballpark down at the riverfront so our youth could use Gill Stadium. But, if we keep on going this way, if we're going to out price the youth it's like a double tax. I pay taxes and you're going to pay a tax for the kids to play and I think that's entirely wrong.

Alderman Garrity stated I spent some time this past weekend reading the Park's study and I know that in it they talk about Gill Stadium and JFK and Hunts pool and all that area...kind of thinking about a center city park and things like that and I just hate to put the cart before the horse and maybe it can be profitable and stay in the Enterprise fund. I am concerned about the increased fiscal impact next year.

Alderman O'Neil stated my understanding of the Enterprise fund and unfortunately we don't treat it...each unit meaning the golf course, McIntyre, the two ice rinks and Gill Stadium as it currently is should be able to pay for themselves...that's not the case and it's especially not the case with Gill Stadium. The golf course is always going to be profitable and the golf course has subsidized many of the other recreation activities in the city. My understanding is at McIntyre they have a good ski year that will pay for itself and with proper booking the ice rinks should be able to pay for themselves. Finance has brought up some very good discussions regarding our Parks and Recreation system...could we do some things a little differently regarding advertising...absolutely. I asked Alderman Smith the other day and he is probably the most knowledgeable person on Gill Stadium how do you feel about if we had 4 x 8 sheets of advertising, Joe's Hardware or Stop 'N Shop or whatever it may be and he said that wasn't an issue to him...very common to what the Little League fields do around the city, but I think for us to sit here and believe that realistically without raising the fees to what the School District pays, to what Babe Ruth baseball, what American Legion baseball and Bears football would have to pay to be there they're going to end up going somewhere else as far as I'm concerned. Gill Stadium was never built to be a profit making facility. I think we've done the right things, it's a community effort like many of our parks our around the city and I think we have to own up to that. I'm not saying that I agree that we should pull the others out of it I think it's just Gill Stadium that needs to be pulled out of the Enterprise system, your Honor.

Mayor Guinta stated the comment I would make is that if the sole reason to pull it out of this Enterprise is because it's not profitable I don't know if that's the appropriate standard because there's other options. I think as a policy decision not from this Board collectively as it sits today but the previous Boards over a long period of time have make policy decisions right, wrong or indifferent to keep rates at the levels that they have stayed at...number one and number two I don't know that we've really enabled the Enterprise funds particularly the Parks Department to really run them like true enterprises and that doesn't mean you have to raise rates on the kids that use them because I think we have a responsibility to ensure that

that usage stays at a minimum at the same if not increase usage but I think if we market them properly...something we haven't really talked about as a Board there might be some opportunities to see some revenue generated and the second concern or discussion I think we should have is relative to the Master Plan and how this fits in with the Master Plan and I believe there's going to be a study coming out regarding Enterprise funds and why the policy decisions were made the way they were made and what they're making and what we can do to improve that and I'll go to Alderman Gatsas because I saw his hand but my hope would be that we, at the very least, before we make this decision take into consideration the Master Plan and the Enterprise plan before we make any adjustments.

Alderman Gatsas stated a question for Kevin...the deficit that you spoke about of \$109,000 two years ago and two hundred thousand or so this year what was the number?

Mr. Clougherty replied the net loss at Gill if you take a look at 2004...in fiscal year 2004 it was \$109,000 and they took in \$4,500 in revenues, they had operating expenses of \$106,000 and non-operating revenues/expenses of \$7,000...they had a loss of \$109,000. In '05 \$235,000.

Alderman Gatsas stated Kevin I don't know if you're going to be able to address this question and maybe the Parks Director...the \$135,000...does that take into consideration the additional structures that were built there for maintenance, upkeep and those sorts of things...the things that we had to do for baseball to get the major league team to stay in Manchester were the renovations at Gill Stadium because I don't think we would have added two new locker rooms the way we did at Gill Stadium and some of the other things increasing the sizes of the dugouts if we were looking to keep it as an Enterprise fund and keeping costs down for the student athletes. My question is have those things been taken into consideration or could that loss be greater than that in '06?

Mr. Clougherty replied those figures do take into consideration the fact that the Fisher Cats used the stadium during the '04-'05 season I believe

Alderman Gatsas stated so the includes the revenue from the Fisher Cats.

Mr. Clougherty stated I believe it does.

Alderman Gatsas stated with that revenue gone the number for '06 is going to be much greater.

Mr. Clougherty stated yes, Alderman, but again a lot of the revenue that was generated...my recollection is that revenues that were generated by the Fisher Cats were not direct...I don't think that the city realized a lot of dollars for having the Fisher Cats at Gill Stadium for those years in terms of revenue.

Alderman Gatsas stated the expense items that absorbed anywhere in the Fisher Cat...

Mr. Clougherty stated the expense items were included as Alderman DeVries pointed out as part of the bond issue that's being retired by the approach that the city's using with that being funded in part by the Fisher Cats operating at the new stadium and the construction of the residential and hotel.

Alderman Gatsas stated one more follow-up, your Honor. Mr. Clougherty, with your recommendation would you recommend that we do this today or wait to take a look at it when we are in the budget process.

Mr. Clougherty replied we'd like to see this discussion as part of the budget process so that the Board, particularly the new members have the opportunity to understand how the entire Enterprise works and all the individual pieces and how they fit together so that a policy decision can be made. If at that point when all the numbers are on the table and the Board wants to make a determination well then at least they've done it with the benefit of current information that's been generated and put in the form of charts for their review.

Alderman Gatsas stated so if I understood your answer you're saying to wait until the budget process.

Mr. Clougherty reiterated we would like to see it wait until the budget process.

Alderman O'Neil stated Alderman Gatsas' last question leads to my question and that is as Alderman Smith said every time this comes up for discussion the mayor has already made his recommendation, it's kept in the Enterprise and then as we're debating everything else in the late spring to approve a budget this kind of gets lost and I think that's why it's important...if there's some assurance, your Honor, that it can almost run a parallel course and I don't disagree that there's some information coming forward but we need to be in a position to make a decision one way or the other and I think when we always talk about it it's too late. I don't know if Alderman Smith agrees with that but it's always as we're getting ready to approve the budget, it's too late to put it in the operating budget so as long as there are some assurances that we can run a parallel course that says yes it will remain in the enterprise...no it won't it will be in the general fund operating budget...I'm comfortable with that.

Mayor Guinta stated how I would respond to that is this...honestly from my position I can't give you an explicit answer today black or white whether I believe it should remain in the enterprise or go over to the general fund...what I can assure is that the discussion will be a parallel process prior to the budget presentation I have and certainly I think a priority relative to both the Parks Master Plan which talking with you earlier we should probably have a

separate meeting on that...this can be part of that and also the reports that's going to be coming from Finance on the enterprise funds generally speaking. But, as a matter of policy from my office regarding where it should go if it should go to the general fund I can't say today that I would support that just to be forthright in that position.

Alderman Osborne stated I'd like to ask one bottom line question of Ron Ludwig. Ron, do you see any way that you can make the difference here of \$135,000 with any time over there or any way that you could make any effort of equalizing this amount? Do you see it possible by getting any other venues in there or anything else?

Mayor Guinta asked what timeframe are you referring to, Alderman Osborne?

Alderman Osborne stated whatever timeframe he has.

Mr. Ron Ludwig, Director of Parks, Recreation and Cemeteries Department, replied we've been looking at the budget for Gill Stadium this year. I think it's maybe a little bit misleading here but as you are aware the Aldermen actually subsidized Gill for some of the use groups that have been mentioned here tonight...Babe Ruth...I don't want to beat that up again to the tune of about \$115,000 last year...that in effect allowed us to be able to provide time for those groups to come in at a very small amount even negligible amount of money to come in other than some payment for lights...that's about all we got from them. From the School District last year we had a little different program...the School District basically said to us a year ago that we don't want to be owners of Gill but we are at West Memorial and Memorial and have a debt expense on a \$4-5 million project...they said to us they want to be renters of Gill. We had to go back and do a calculation in terms of how many games were being played at Gill and what the per game cost was to use Gill. Then we had to take a look at how many times Central football and other teams used Gill to practice and come up with figures that made the expenses at Gill Stadium work. We did that and last year the School District played the exact amount of games and practices that they told us they would play there was about a \$115,000. We looked at those numbers this year...again asking the athletic director at the Manchester School District how often do you think you're going to use Gill for games, football, soccer and even lacrosse and they're going to have to put field hockey in this year which is more and we came up with a number for the School District from between \$125,000 and \$149,000 depending on how many games they want to play. If they want to play more than the games that they've told us in the practices then obviously there's an additional charge to do that, however, it's done backing out the administrative fees that are built into the first amount of money. So, to play a game in the original amount of games that they gave us there's a number. If they want to play over that the number to play goes down if that makes any sense. So, this year we came up with a total dollar amount to operate Gill Stadium about \$240,000 of which the Aldermen would be paying this year already if they continued with the subsidy they did last year about \$115,700. So, this year you'd be looking...if you wanted to pick up the School District side about another \$125,000

and Alderman Lopez was pretty close to the number there. What does this mean to us? This Board has to look at how it wants to use Gill Stadium that's really the bottom line here. What are our opportunities to make more money at Gill Stadium if you want to...we need that direction from you and I think the Mayor understands that's a philosophical division that this Board has to grapple with. However, the way we use it right now it doesn't leave many opportunities to market Gill in a real profitable way...in other words bringing in maybe more soccer camps during the day in July and August...maybe there's some opportunities to do those things. We don't really have people or staff that are hunting down and pounding the pavement to find out if there's groups out there that want to rent it. There are plenty of groups that come to us and want to use Gill during the day or during the week maybe it's a minor league ball club that wants to hold a tryout want to come in for a minimal amount of money. We usually cover expenses with that because the kids that they're looking at in the tryouts are usually kids in our city basically that may have a shot or a dream of making a minor league ball club so we see how fast they can run to first base and we see how fast they can throw with a jugs gun, we see how fast they can run from first to second...we don't get a lot of requests...that doesn't mean they don't exist out there for additional revenue opportunities at Gill. What does that all mean? It means that even in the enterprise if we keep it in the enterprise and we can go either way...keep it in the enterprise I think you're saying that down the road we all know that Gill's in pretty good shape right now...you want to fund a major capital improvement or an improvement that carries debt expense with it you're asking the enterprise to do it and right now the only place that's really carrying the enterprise is the golf course, it's the only place that makes money under the current way we do business. If you want to change the way we do business we'll have some opportunities in there that you'll see in reports that are coming forward.

Mayor Guinta stated which is why I think that it's very critical for this Board to have a separate policy discussion specifically about Gill but generally about the Parks Master Plan because if you have an opportunity to look at it a little bit it's a very aggressive plan, first and foremost, but it does open the debate in discussion regarding future enterprise funds and how does either the enterprise fund inhibit or foster certain quality of life that I think we're trying to maintain and balance. I would certainly agree with Alderman Smith that we'd like to make sure that every child has an opportunity to play so I don't know that raising rates on kids would be the focus. I think there's other opportunities and that's something I would be very willing to look into.

Alderman Osborne asked how much time do you have, Ron, to sell over at Gill Stadium after the schools and so on and so forth...how much time is left?

Mr. Ludwig replied very little additional time...again, you're going to see reports...maybe not in the Master Plan but other reports that may come forward that identified basically times in July and maybe half of August that identified during the week, during the daytime which I think...I call them work times or work hours that the facility would be available to rent.

Alderman Osborne asked do you think you can make up \$125,000 in that amount of time you have left?

Mr. Ludwig replied you have to get a very aggressive marketing plan.

Alderman Osborne stated it costs money to do that too.

Alderman Duval stated I have a question for Alderman Smith if I might. Alderman Smith is there an eminent threat that you perceive for '06 in increased fees to these youth sports?

Alderman Smith replied from what I understand, Alderman, the Finance Department is putting together a package to get additional revenues. If that isn't followed and you can tell me Kevin if I'm wrong...Randy in the Finance Department has been pushing for additional revenues at Gill Stadium. If they do additional revenues at Gill Stadium, if they bring in semi-professional teams, the Manchester Wolves or anybody that means they're replacing another team and my contention is we should take care of the youngsters and not the professionals. But, to get back and not to interrupt you...I'm glad I have the chair I'd just like to ask Ron what happens if after about 8 or 10 years...

Mayor Guinta stated right now Alderman Duval would have the floor after you've completed the question. I will certainly come back to you, Alderman Smith, I promise.

Alderman Duval stated I think it's important...I think if Alderman Smith is concerned about the eminent threat of increased fees for '06 I think that deserves an answer immediately. I don't know if there is anybody here that can answer that question but I would like to know as an Alderman from a ward that has a considerable number of youth participating perhaps in those programs that if there is a threat I'd like to know about it.

Mayor Guinta stated Finance will answer that question after I go to Alderman Shea and then Alderman Smith.

Alderman Shea stated this is very confusing because first of all we're talking about enterprise and then we're talking about general funds. Now, let's assume for the sake of discussion that it stays with the enterprise and that that \$115,000 or \$125,000 or \$149,000 or whatever the amount of money...how does the enterprise pay that bill, what does the enterprise do that the general fund can't do or wouldn't do...what does it do, Ron? Can you explain that...I think a lot of people out there are wondering if this enterprise is kind of like something hidden in the dark or something...how does that work?

Mr. Ludwig replied in terms of what we do for the School District we only charge them actual expenses...no profit built into that, there's no profit margin built into that...we charge

them actual expenses...so it's flat. It's not like a regular business where you can say I need to make a little money to be able to reinvest it.

Alderman Shea asked who makes up the deficit then. If for instance it lost \$109,000 one year, \$115,000 the next year...where does that money come from to make up that difference?

Mr. Ludwig replied right now out of the enterprise...out of golfing, skiing, skating and whatever else.

Alderman Shea stated so when someone goes and plays golf they are actually subsidizing the cost of running Gill Stadium is that correct?

Mr. Ludwig replied yes.

Alderman Shea asked is that impacting how you can operate the golf program for the city? If you have to take money out of that program and you have to take money out of whatever you get for the hockey rinks and you pay that money now does that impact...in other words, people are saying that the JFK is falling apart that they need improvements there...does that impact how much improvement you can make to those things because you're subsidizing Gill Stadium?

Mr. Ludwig replied yes.

Alderman Shea stated so basically what we're saying in essence is somehow or other somebody is paying...whether it's out of general funds which would be a hundred whatever thousand more we'd pay this year and there's lack of improvements being made to the people who are participating in the hockey program so they're subsidizing it and we get calls from people because the fees are raised for golfing because those people who are elderly as well as others have to charge a little bit more for the tee fees...then we're subsidizing to pay for Gill Stadium.

Mr. Ludwig replied yes.

Alderman Shea stated okay so that's the difference then, right. We pay out of one fund or pay it out of another fund.

Mr. Ludwig stated I'm a little confused because in my opinion right now and maybe Kevin can help me out here...last year the Aldermen gave roughly in the general fund to subsidize or to help subsidize programs \$115,000. I believe the rest of the money the Aldermen gave to the School District...those two items...add them together cover the expenses of Gill. So, I don't see really what we're discussing here.

Alderman Smith stated Ron this question I was going to ask you before...we put synthetic turf down at Gill Stadium...the guarantee is eight years...so in 10 years it has to be replaced...where is the money coming from?

Mr. Ludwig replied right now the enterprise.

Alderman Smith stated thank you very much that answered my question and that's why it should be out of the enterprise.

Mayor Guinta stated I believe clarification from Finance regarding a question by Alderman Duval.

Mr. Clougherty stated there is no eminent fiscal year 2006 question with respect to fees. What's happened is...the question of the enterprise and how it works and could it be made more profitable...whether it stays as an enterprise and profitable or certain elements are removed and put into the general fund and consequent tax requirements could be reduced is what the question has been for a number of years. Pursuant to that Mayor Baines had asked us to pull together some data that would explain what the Parks Enterprise consists of and what it's performance has been over a period of time so it could be explained to the Board and others as to what the operation was. We also, at the same time, there was the construction of the Master Plan that was being done by consultants...Finance met with the consultants, the Parks and Recreation Commission and the staff and as a result of those conversations they said it would be helpful if we could pull together some data that explained what the enterprise was and from it's inception to the most recent financials that had been audited...what was the performance and just bring out some hard data on fees charged and things like that. So, that is what we've done...we have a report that takes the enterprise and breaks it into the different pieces...Gill Stadium, the arenas...each one of those pieces tells you how they work and what the costs have been over time and that's what will be made available. There's been a draft and Park's staff has looked at that and we're in the process of making some of the changes that they've recommended and that will be available. Certainly after the Board looks at our report and the Master Plan and you decide you want to do something then that's at least based on some current hard data that tells you what the enterprise has been. But, there is nothing eminent that I'm aware of in terms of fees that will be coming out in this current fiscal year. The discussion will really center on next year's budget and trying to make sure that good decisions are made for fiscal year '07.

Mayor Guinta asked let me ask when would that report be ready to submit to the Board of Mayor and Aldermen?

Mr. Clougherty replied it's eminent. I believe we've gotten some comments this week from Parks and can adapt it certainly in tangent with the Master Plan presentation.

Mayor Guinta stated I think my recommendation would be let's get that report...let's review that report and the Master Plan in the context of this discussion and then make a decision at that point. So, that would be my recommendation.

Alderman O'Neil stated I'm fine with that just as long as we're not having this discussion in May or June...that's my concern and I take your word that you're going to help move this along and bring it so that we can make an informed decision.

Alderman Osborne stated as an average layman here does it really make any difference if it's in the enterprise or in the general fund. All monies revert back to the general fund one way or the other doesn't it. You're making the excess money up at the golf course where does it go?

Mr. Ludwig replied into the enterprise.

Alderman Osborne asked how long does it stay there?

Mr. Ludwig replied it stays there inevitably...it stays there as long as the enterprise is there...the reason why we were here discussing the enterprise is because as Finance is alluding to in their report they talk about a number of ways to generate additional revenue through creative revenue streams within enterprise. Quite frankly, I'm happy to hear and see every Alderman have that so that you can make you own individual informed decisions on how you want to run the facilities, what you want to charge at the facilities because our charge and our mission statement...Parks Department up to this point has been to run the facilities in the most cost effective way we can, however, trying to keep them affordable. In some cases we've probably fallen behind a little bit and in my opinion made an ice arena or a place like McIntyre...I don't care what you're talking about how high powered a person you have, how much money you've spent in advertising this year...the best advertising you have started with "W" and ends with "R"...weather...a lot of the stuff is driven by it. As you can tell you don't have to be a rocket scientist sitting here tonight. We're not doing very well at McIntyre...I'm not advocating getting rid of it, leasing it or anything else but what I am saying is if it's not something you want to have in the enterprise or in the city then don't have it but it's not Cannon, it's not Sunapee and it isn't Killington and it isn't anywhere else...it's McIntyre and here for the kids of this city. We're going to try and run it as efficiently and as cost-effectively as we can...there's high powered marketing individuals out there that can help us as Finance is indicating there are and there's large infusions of cash that can be paid we're not going to refuse them but when you talk about recreation you talk about some things and keeping them affordable and who your market it.

Alderman Osborne stated getting back to Gill Stadium whether it's in the general fund or enterprise I think we can still think increased revenue in either place.

Mr. Ludwig stated I think the set up you have now is okay.

Mayor Guinta stated what should we do with Parks, what should we do with enterprise funds and we have two reports...one that has already been submitted but we haven't had a chance to review it as a Board...one that's forthcoming probably within the next week or so, so if we could at the very least take a look at those two before we make a decision...there is a motion on the floor.

Alderman Pinard stated we're talking about Gill Stadium...I'd like to know what the limitation of activities can be held there. I know many years ago I was involved with the Boys Club if you're just going to hold it for three or four events you're never ever going to make money. If there's no limitation on the activities then you could advertise to lease the stadium for even a band concert. There's a lot of things if we're talking about making money let's look at that when you say when we meet again.

Mayor Guinta stated we do have 262 events at year...one of the things I think we'll consider is do we want to expand that and can we expand it and maybe we can't. But, there is a motion on the floor...would it be appropriate for the second to be removed.

Deputy City Clerk Johnson stated the motion on the floor at this point in time was to remove it from enterprise and it's my understanding that the Board might want to consider having a special meeting and discussing it further and if that's the case then it would be appropriate for the second and first motion to be withdrawn.

Alderman O'Neil asked who made the motions?

Deputy City Clerk Johnson replied motion was made by Alderman Smith.

Alderman Smith stated I definitely made the motion.

Deputy City Clerk Johnson stated Alderman O'Neil had seconded the motion.

Alderman O'Neil stated in the spirit of cooperation I'm going to withdraw my second because I think the discussion tonight has forced where we have to go with this thing which is over the next month or so have a very serious discussion about this. So, in the spirit of cooperation I will withdraw my second.

Mayor Guinta stated I am committed to that.

Alderman Smith stated I'll follow up and withdraw my motion but I just want to say one thing and I'd like to address it to the Finance Department...I've been here for four years and

for four years I've brought this up and everybody knows that it's been brought up every single year by me...the enterprise...they said something's going to come, something going to come...I look and nothing comes and then I hear all these innuendoes about what's going to be...a bubble for the stadium...we're going to market this...we're going to bring in professional teams and this is what I hear through the grapevine...I like to say if you're giving the report then give it in within a month.

Deputy City Clerk Johnson stated if I might add a suggestion perhaps the Board might wish to make a motion to refer this to a special meeting to be called by the Mayor.

Mayor Guinta stated before I would accept that motion I would just remind everybody that it was the former mayor that did ask Finance to look into this and I think because it is so comprehensive it probably took longer than a month but in an effort to cooperate and communicate better with the Aldermen one of the things that my office plans on doing is not just expediting things like this but hopefully by getting agendas out earlier, by doing the bi-weekly newsletter from my office to the Aldermen so you know some of the things that are coming across my desk I hope that there's certainly a greater level of communication so the Board has an understanding of what's being asked of different departments...I think at the very least you deserve that information. A motion would be in order by Alderman Roy.

Alderman Roy stated a motion but slightly different than the Clerk's suggested motion, your Honor. Because this has been on the table long before I got here two years ago I would ask that it be tabled to our second meeting in February...that gives us the next month to go ahead and review the Parks plan, get their other plans that are out there...but it doesn't put it back into the budget project of late in the year when we're all looking for every project in the city to be accomplished. I just want a time restraint.

Mayor Guinta stated a motion to table, requires a second.

Alderman Osborne duly seconded the motion to table.

Mayor Guinta stated I would reiterate that we are going to have a special meeting before then next Board of Mayor and Aldermen meeting to discuss both Finance's report and the Master Plan report so that can still be discussed at that meeting.

Alderman DeVries stated it would be helpful when we discuss the Master Plan for the park system if we could get some idea of the encumbrance on the enterprise system if we were to do some of the golf course improvements, the driving range and get an idea of the bonding capacity so we know if we really are inhibiting the ability of our other parks to improve and become more profitable because they don't have a bonding capacity available to them.

Alderman Shea asked when do you present your budget to the Board of Aldermen and the city.

Mayor Guinta replied according to the Charter I think it's by the last day in March...the specific date to be determined.

Alderman O'Neil stated so the suggestion is that we'll probably have a special meeting to talk about the Parks Master Plan...have the consultant in and also at that same meeting have the discussion about the business side of our recreation system.

Mayor Guinta stated that's correct and called for a vote on the motion. There being none opposed, the motion carried.

12. Presentation of appointments to Special Committees to be submitted by Alderman Lopez as Chairman of the Board.

Alderman Lopez moved that after reviewing the various special committees previously established by the Board I am recommending that the Board of Mayor and Aldermen reestablish the special committees for this term as listed below. The first named is chairman I have appointed followed by the persons each Chair of the committees have selected to serve as members.

Special Committee on Airport Activities

Aldermen DeVries, Shea, Garrity, Pinard, Long

Special Committee on Civic Center

Aldermen O'Neil, Shea, Smith, Roy, Long

Special Committee on Energy Contracts and Related Projects

Aldermen Thibault, Lopez, Forest, Garrity, Long

Special Committee on Riverfront Activities and Baseball

Aldermen Lopez, Gatsas, Smith, DeVries, Roy

Special Committee on Solid Waste Activities

Aldermen Roy, O'Neil, Lopez, Osborne, Forest

Manchester Alcohol and Other Drug Task Force

Aldermen Pinard and O'Neil

Alderman Shea duly seconded the motion.

Alderman Gatsas stated as far as I can remember for the short time that I've been here and certainly there are Aldermen around me that have been here much longer than I have...my understanding on special committees is that the special committees stay in tact as they were as of the last vote from the last meeting that we had at the full Board session...only the members who are no longer Aldermen would be replaced by the Chairman of the

Board...that's been the process for the three terms that I've been here. I know that there was a great discussion about that with Alderman Wihby and Alderman O'Neil when the Riverfront Committee and the Civic Center Committee came before us...that's been the procedure as I remember it and certainly Alderman O'Neil being here longer can remind me that when Alderman Cashin was here as the Chairman of those things didn't follow suit.

Mayor Guinta called upon Alderman O'Neil.

Alderman O'Neil stated if I may, your Honor, my recollection as a previous member of the Civic Center Committee...I was removed two years ago from it even though I had served on it prior. With all due respect from my colleague from Ward 2 I don't remember that there was ever any agreement...committee's have moved around regularly...that's no uncommon.

Alderman DeVries stated I can also add in that I did have the opportunity to move from a committee member to a chair for the Airport Committee last term and I was given the opportunity then to name my committee members and I think there might have been some shifting of the committee members at that point in time to be sure that wards 6, 8 and 9 did have inclusion on that committee. So, I don't agree that there are standing committees that go forward unless there's a change in tenure. I am of the opinion that it was the chairman of that committee that was able to select their committee members.

Alderman Shea stated Alderman Gatsas didn't refer to me I think he referred to previous Chairmen Alderman O'Neil and Alderman Cashin but when I was Chairman of the Board I felt that the people mostly responsible like Alderman DeVries is a person that lives near the airport, I appointed you because you were Ward 3 (referring to Mayor Guinta), I appointed Mr. Lopez for the Riverfront Activities and you were on that committee as well as Alderman Gatsas. As far as the Special Committee on Solid Waste I believe that Alderman Armand Forest was appointed and then during the course of a year or so after he was having, I think, people serve on that committee and Alderman Roy agreed to Chair that committee and then he in turn during the course of that time selected these other people that were there. So, I don't think there's any precedence as far as I know for any special committees. It's a matter of the Chairman of the Board decides as to whom he feels might be most responsible for carrying out the responsibilities in that area and I'm not sure exactly why a person chooses to do that but apparently he judges it on the basis of the people involved.

Alderman Gatsas stated let me just help Alderman DeVries with her memory because the chairman of that committee before she took it was Alderman Pinard. He was defeated by Alderman Porter who replaced Alderman Pinard on that committee and you became the chairman...everybody else on that committee Garrity, Gatsas and Thibault remained the same. So, obviously, when Alderman Pinard was defeated he certainly couldn't serve on the committee. Let's take a look at another one and that goes back from '02 to '04 and I think if I gathered the history from other committees in past years I think we'd find the same

resolution...but, let's take a look at another one just for curiosity sake and that would be the Special Committee on the Civic Center...Aldermen Wihby, Guinta, Garrity, O'Neil, Sysyn...were on that committee. Obviously, Alderman Wihby couldn't no longer chair because he wasn't here, he was replaced by Alderman Osborne...the following members Gatsas, Sysyn and O'Neil remained on that committee. So, I look at these committees and I say they followed pretty much the same and when Alderman Garrity took over for Alderman Pariseau he was placed on the Committee of the Civic Center. So, I look at these committees and I suggest that my colleagues...maybe refresh their memories with committees of the past and find out if we didn't do that and follow and maybe we need some history on whether that was here or not here.

Alderman Garrity stated Alderman Gatsas I needed you two years ago when I got thrown off the Baseball Committee.

Alderman Shea stated I know I was on the Airport when I first became an Alderman and for whatever reason I wasn't selected for it when the next Chairman of the Board decided. So, I'm not sure exactly what we're talking about here in terms of precedence.

Mayor Guinta stated that's where I want to get a clarification on...I'm glad you brought it up. Can we get a clarification if this is a tradition, a precedent, Board rule, ordinance.

Deputy City Solicitor Arnold stated special committees are provided for by Board rules specifically Rule 13...Rule 13 provides that "the Chairman of the Board of Mayor and Aldermen appoints the special committee chairmen and the special committee chairmen appoint the committee members."

Alderman Lopez stated I have complied with Rule 13...each chairman selected the people that they want...I think that in the past just as a comment that some committees did end up with maybe two or three people that were on these committees before but I think everybody is right in what they're saying...Alderman Garrity is absolutely correct he was taken off the Baseball Committee...no argument was ever there...Mary Sysyn was taken off the Baseball Committee...there was no argument there. So, I think we're all saying the rule is the rule and the chairmen selected the people they wanted on their committees.

Alderman Shea interjected no different than what you do. You appoint people...I was head of Human Resources now Alderman Gatsas is in charge of Human Resources. So, if we want to start precedent why weren't we selected on the basis of previous...I was Chairman and I went to you and I told you that I don't want any favors you appoint me where you want and my point is if we want to argue about this why don't we argue about committees.

Alderman O'Neil was head of...what were you head of Alderman, CIP...he's no longer head of that...Alderman Garrity is. So, why are we raising questions about sub-committees and not raising questions about regular committees because those are more important in the final

analysis. So, I don't know where the discussion should go from here but if we want to raise issues about sub-committees we should start raising questions about regular committees, your Honor, and no one raised that issue until Alderman Gatsas decided to raise it about sub-committees.

Mayor Guinta stated I think it's the pleasure of the Board to discuss it's own committee assignments. Relative to my committee assignments I think there are different rules that apply for a mayoral appointment versus an aldermanic appointment so I would certainly allow the Board to continue with the discussion on the matter.

Alderman Lopez moved the question.

Deputy City Clerk Johnson stated I'd just want to clarify if I could that this is actually not only assigning the membership of the committees but actually establishing the special committees for this term because that was a question that came up a couple of years ago and there was some controversy about that.

Mayor Guinta stated thank you for the clarification called for a vote on the motion. There being none opposed, the motion carried.

- 13.** Notice of reconsideration given by Alderman Gatsas on motion to amend a motion to adopt the same rules as the previous Board by replacing the following proposed language for Rule 16A:

Ordinances providing for changes in class specifications, establishing positions, reclassifications and new class specifications, shall be reviewed by the Committee on Human Resources. Upon approval by the Committee, the City Clerk shall submit such ordinances to the Board of Mayor and Aldermen where the question shall be on passing same to be Ordained without referral to the committee or any other action by the Board.

(Motion to amend failed with Aldermen Roy, Long, Osborne, O'Neil, Lopez, Shea, DeVries, Smith, Thibault and Forest voting nay, and Aldermen Gatsas, Duval, Pinard and Garrity voting yea.)

Alderman Gatsas stated I will talk to my motion for reconsideration and I'm glad that my colleagues refresh my memory of what procedures are for committees because I believe Bills on Second Reading...let me get it in front of me because it's pretty interesting what their...Bills on Second Reading..."committee shall have jurisdiction over policy regarding planning and zoning issues and shall be responsible for the review and development of ordinances and to ensure that the proposed ordinances are consistent with all federal, state and local laws and such other matters as may be referred to the board of mayor and aldermen. The committee shall have review of all such referrals and where required a due and careful consideration shall report back to the board of aldermen." I appreciate my colleagues from reiterating what those committees should be what the rules should be and

what the makeup of those committees should be in the last discussion we just had. But, I guess I'll ask Ms. Lamberton nobody ever gave you the opportunity to voice your opinion of why you brought this forward at the last meeting and I think that it's clear that a lot of my colleagues in here give you accolades for \$105,000 checks that we certainly should give you the opportunity to embrace your opinion on why your bringing an ordinance forward and why you would think that that ordinance should be before us and why the Committee on Bills on Second Reading shouldn't be weighing in on human resource issues.

Alderman Lopez interjected a point of order, your Honor. I think a motion for reconsideration...we haven't even voted on it and we're discussing it. I'd like to have a ruling on this.

Mayor Guinta stated I believe as the Alderman reconsiders he's entitled to enter personal discussion.

Alderman Lopez stated I think the motion is for reconsideration...we have not reconsidered the action that we took at the last Board meeting and I'd like to have a ruling.

Deputy City Clerk Johnson stated my understanding is that Alderman Gatsas is making a motion for reconsideration and I believe he is stating reasons as to why he wishes to have that reconsideration.

Mayor Guinta stated which would be in order. In my opinion, it's certainly in order. I think there's a clarification asked of Ms. Lamberton which...you have the floor.

Ms. Lamberton stated I asked for this rule to be changed because apparently the way we've been revising class specifications and establishing new classifications has just taken an inordinate amount of time and it's really inefficient in my opinion. When we proposed or when a department head wants to revise a class spec or establish a new title that proposals comes to my office, we review it and then we forward it to the Human Resources Committee which is obviously a sub-committee of this group...give people look at it there and typically the votes are unanimous to move forward to the full Board...then the full Board looks at it once, it looks at it twice and then it gets sent to the Committee on Bills on Second Reading when they meet and that's been a problem...they don't meet regularly. So, we can have something sitting out there for a couple of months at a time and in the meantime we're tying to do business in the city with our employees and get things moving along and have government be efficient and so then when the committee does meet then it comes back to the full Board again and it gets looked at at least once again and it's the same people looking at the same item four or five times and it just doesn't seem like that's very efficient to keep human resources moving along in an efficient manner which is why I asked for this to be moved along this way.

Mayor Guinta stated the Chair advises that a motion has been made but it requires a second to continue discussion.

Alderman Pinard duly seconded the motion for reconsideration.

Alderman Gatsas stated discussion.

Mayor Guinta stated that was the motion.

Alderman Shea requested a roll call vote.

Mayor Guinta recognized Deputy City Clerk Johnson.

Deputy City Clerk Johnson stated the Clerk has it recorded as a motion to reconsider and maybe we need to make sure the Board understands that and I'm not sure if the second was for discussion purposes.

Mayor Guinta stated okay that was my fault.

Deputy City Clerk Johnson stated I just want to make sure because I don't want people voting.

Mayor Guinta stated for clarification...the motion on the floor by Alderman Gatsas is to...

Deputy City Clerk Johnson stated to reconsider the action that was taken.

Mayor Guinta stated and just for clarification...as it stands today anything approved by the Human Resources Committee must go to Bills on Second Reading for review...we all understand that.

Alderman Gatsas stated clarification, your Honor. I'd like to know where that clarification is because the rules of the Board and what that standing committee is supposed to do is in this little red book that I just heard everybody advocating you could set up whatever committees you want. Now, I'm reading what Bills on Second Reading has the ability to do and I'd like a clarification from the City Solicitor to where he sees in there that HR activity is supposed to be submitted to them for a ruling. So, I'm looking at the City Solicitor and saying does he read something in this little red book that I don't see as clearly as he may.

Deputy City Solicitor Arnold replied I believe that's an ordinance.

Mayor Guinta asked is there a motion on the floor procedurally so we can.

Deputy City Clerk Johnson stated it's under Rule 16, I believe. Rule 16 "requires that ordinances be referred to the Committee on Bills on Second Reading"...and Human Resources' one if they are not changing a salary grade under 16A presently would not have to be referred to the Committee on Bills on Second Reading...that was a change that the Board did the last term and I guess the request now is to further change 16A to provide that HR ordinances would not have to go to Bills on Second Reading at any time unless specifically referred by the Board.

Mayor Guinta stated give a moment to everybody to read it but I'd like to see that there's a motion on the floor by Alderman Gatsas.

Alderman Gatsas stated so what we did was we changed an ordinance previous to this to send it to Bills on Second Reading, is that what I'm hearing.

Deputy City Clerk Johnson stated it's the rule...you changed the rule by adding Rule 16A, which is presently on the books.

Alderman Gatsas asked can you tell me then why it doesn't tell us in the front here in Bills on Second Reading that those apply to HR decisions, not just ordinances, but HR decisions because we've changed that ordinance. If we've changed it it should read that they have the ability to do that here...it does not say that.

Deputy City Clerk Johnson stated Rule 16 has always stated that ordinances had to be referred to the Committee on Bills on Second Reading...that is not a change.

Alderman Gatsas stated you're not answering my question...my question is...I understand that ordinance changes must go to Bills on Second Reading...I understand that as an Alderman. My question to you is the explanation of what the Committee on Bills on Second Reading does not say anything about having the ability for new classifications at human resources...why doesn't it state in it there if that's where we send them after we have those rulings at the full Board, that is my question...why is it not stated here.

Deputy City Clerk Johnson asked can you tell me what page you're referring to in the book.

Alderman Gatsas replied page 11 where it says Bills on Second Reading and what the committee jurisdiction is.

Deputy City Clerk Johnson stated that was a policy adoption by the Board of Mayor and Aldermen establishing what the committee had jurisdiction over and basically what used to happen is all ordinances were basically picked apart in that committee and what they were saying is the planning and zoning should but the other ordinances...it does say..."shall be

responsible for the review and development of ordinances” and the HR classification system is done through ordinance so, therefore, they have jurisdiction over proposed ordinances.

Alderman Gatsas stated only ordinances...

Deputy City Clerk Johnson stated to make sure they’re consistent with law, not necessarily to change them otherwise.

Mayor Guinta stated in order to continue this discussion we need a motion.

Deputy City Clerk Johnson stated we have a motion Alderman Gatsas, seconded by Alderman Pinard, to reconsider the original motion that was on the floor at the last Board meeting...that is the motion on the floor presently.

Mayor Guinta asked does everybody understand.

Alderman Gatsas requested a roll call.

Alderman Shea asked what is the roll call on, your Honor.

Deputy City Clerk Johnson replied the roll call would be on the motion to reconsider changing Rule 16A, which was defeated at the last Board meeting, it would place that motion back on the floor.

Mayor Guinta stated you’d like to overturn that.

Alderman Gatsas replied yes.

Deputy City Clerk Johnson stated it would place that motion back on the floor as to whether or not to change it.

A roll call vote was taken. Aldermen Gatsas, Duval, Osborne, Pinard and Garrity voted yea. Alderman Roy, Long, O’Neil, Lopez, Shea, DeVries, Smith and Forest voted nay. Alderman Thibault was absent. The motion failed.

- 14.** Communication from Joanne Shaffer, Second Deputy Finance Officer/
Treasury Manager, seeking authorization to expend an additional \$6,000 from the
EPD Replacement Account for the replacement of a 10,000 gallon storage tank due to
bids coming in higher than originally estimated at \$36,000.

Alderman DeVries moved to authorize expenditure of an additional \$6,000 from the EPD Replacement Account as requested for the purpose intended. Alderman Garrity duly seconded the motion. There being none opposed, the motion carried.

15. Communication from Kevin Sheppard, Deputy Public Works Director, advising that the performance bond provision in Section 18 of a contract with Corcoran Environmental Services requires changes, and requesting the Board approve revised language to that section requiring Five Million Dollars in performance bond(s) for the life of the agreement subject to adjustment to 1½ times the fee paid by the City for pickup of recyclable materials and yard waste with cost of living adjustments upon completion of the Materials Recovery Facility.

Alderman Roy moved to approve revised language in Section 18 of a contract with Corcoran Environmental Services as recommended by the Highway Department. Alderman Pinard duly seconded the motion.

Alderman DeVries stated I'm hoping Frank Thomas would come forward and explain to me the circumstances as to why they were not able to get the performance bond as originally laid out.

Mr. Thomas stated the original draft agreement that came forward to the Board of Mayor and Aldermen in December that was approved called for a \$5 million bond on file with the city for the term of the contract for the contract of 10 years so what was asked for was a \$5 million bond in effect for 10 years and that write up could go through all the reviews and agencies, however, when the contractor went to get that bond it became apparent that no bonding company would issue a bond that is guaranteeing something out 10 years from now and it's not based on the assets of the vendor or whatnot, they just don't do that. So, what we did was revised the bonding section to provide the \$5 million bond that would be renewed on a yearly basis and the \$5 million bond would go down in approximately year 3 once the vendor builds the Materials Recovery Facility because the bond that we're asking them for was to guarantee starting of the services and also the guarantee in the construction of the recovery facility and that gets accomplished by us holding the \$5 million bond. Once the Materials Recovery Facility is built there is no need to hold \$5 million...that amount then will go down 1.5 times the cost of the contract so we will be 50% overly guaranteed.

Alderman DeVries stated so the amount that you were asking for 1.5 times is approximately what.

Mr. Thomas stated it depends on what year we're going to be in.

Alderman DeVries stated after year 3.

Mr. Thomas stated I don't have the exact number but it would be approximately \$3 million.

Alderman DeVries asked did performance bonders also guarantee continuity of service?

Mr. Thomas replied that is correct.

Alderman DeVries stated in your opinion did the drop from \$3 million...and it would drop below that for a performance bond as we go out...actually, it would increase.

Mr. Thomas stated actually it would increase because the cost of services increase due to a retire...

Alderman DeVries stated so \$3 million is a low.

Mr. Thomas stated in that range...don't hold me to that exact number but it's 1.5 we would be charging or being charged.

Alderman DeVries stated so \$3 million, in your opinion, is a sufficient performance bond to guarantee that they will continue service with the City of Manchester and not leave us one day empty handed.

Mr. Thomas stated that is why it was not just 100% of the cost of the services but 1.5 and what that would allow us to do is if necessary have sufficient funds to go out and contract with another vendor at a higher cost.

Alderman DeVries asked do you have any additional concerns because of the type of facility that they were building out at the landfill is rather unique and I'm trying to remember their term for the environmentally friendly enclosed...do you have any additional concerns because that could be a costlier facility than they anticipate going into this contract today?

Mr. Thomas stated again until that facility is built and up and running we have a \$5 million bond...once it's built it's going to be there...there's a reverter so that if by chance they walk away the building is on property owned by the city.

Alderman Forest stated Frank I know we were talking last week about this bond...you had mentioned, I believe, and I don't know...correct me if I'm wrong if that's still in effect that you had negotiated between both Corcoran and Pinard that they were going to pay half that bond.

Mr. Thomas stated that provision...if you notice the contract language does provide for one or two bonds. Quite frankly, we don't care if it's one bond or two bonds as long as it's guaranteeing the total operation.

Alderman Forest stated so we've negotiated for the bond that we want...it's just that it's going to be the two entities that are going to pay it instead of one.

Mr. Thomas stated it may be two entities we don't know yet. We do have that ability to go with either one bond from one party or two bonds from two parties.

Alderman Roy stated thank you, your Honor, and thank you, Frank, for you and your staff and the Finance Department to accomplish this in a timely manner. My question is very clearly...does this protect the city taxpayer as sufficiently as the initial bond requirements of the original contract we passed?

Mr. Thomas replied it's gone through the scrutiny of Risk Management, the City Solicitor's office, our review...we feel comfortable that we are protected with the bond.

Alderman DeVries stated I'm not sure if it would be legal or finance but the question prompted by the two performance bonds...one by the sub-contractor and one by the primary contractor (Corcoran)...are we in any way not going to be able to collect on both of those performance bonds if they walk on our daily pick-up, would Corcoran be in some way found that they have not reneged on their part of the recycling with us so in effect we're only going to have a performance bond for again another half of full instead of three...it would be \$1.5 million.

Mr. Thomas stated it is my understanding that if by chance we have two performance bonds those performance bonds would be worded in such a manner that each half would guarantee the whole operation. There was a quite a lengthy discussion with the Corcoran's attorneys, our attorneys, Risk Management, the bonding company and quite frankly everybody agreed that this was the best scenario.

Mayor Guinta called for a vote on the motion. There being none opposed, the motion carried.

- 16.** Communication from Chuck DePrima, Deputy Director of Parks, Recreation and Cemetery Department, seeking authorization for the Mayor to execute a PSNH utility easement located at Electric Street crossing the former North Weare Branch of the B&M and the Piscataquog River.

Alderman Forest moved to authorize the Mayor to execute such easement, subject to the review and approval of the City Solicitor and the Department of Public Works. Alderman Smith duly seconded the motion. There being none opposed, the motion carried.

- 17.** Communication from William Sanders, Manchester School District, advising that the Board of School Committee at a meeting held on December 12, 2005 adopted a resolution returning the Ash Street School facility to the City of Manchester.

Alderman Long moved to accept and refer the matter to the Committee on Lands and Buildings. Alderman Osborne duly seconded the motion.

Alderman Lopez asked who will be responsible and the funds coming to make sure that the cooling system and everything is working, where will those funds come from and who will be responsible.

Mayor Guinta asked funds for repair of the building.

Alderman Lopez replied no...funds to keep the heat on and maybe draining the water and all that stuff.

Deputy City Clerk Johnson interjected it would be Public Buildings Services that are charge in city buildings...Facilities Division of the Highway Department is responsible for city buildings.

Alderman Lopez stated they will have the necessary funds.

Deputy City Clerk Johnson stated that would be a question for Mr. Thomas.

Mayor Guinta asked who was paying for it before the School District.

Deputy City Clerk Johnson replied the School District.

Mayor Guinta stated Amoskeag Industries would not be responsible for it.

Deputy City Clerk Johnson stated not until Lands and Buildings addressees it.

Deputy City Solicitor Arnold stated the Amoskeag Industries only has a reverter on the property so they would not be responsible for the building; that would be the Facilities Division, I believe.

Alderman Shea stated I think that the School District wants to obviously get rid of this because the expense involved now in heating it, preventing vandalism, the roof needs to be repaired, etc, etc. so although I obviously know there is money involved in both situations I think that we should, as a Board, assume the control of this probably in the springtime when things are a little bit better for us in terms of letting the school carry through...it's now January and they want to get rid of it obviously as soon as possible...this is common knowledge, they mentioned it publicly and I think that the sooner they can relieve themselves of this particular burden, at it were and we assume it we have to make sure that we have enough resources available to pay for whatever these maintenance costs might be. So, I think that that is something the Committee on Lands and Buildings should taken into consideration. Thank you.

Alderman O'Neil stated the recommendation is it's referred to the Committee on Lands and Buildings, correct. So, until such time as Lands and Buildings meets, discusses this, refers it back to the full Board and the full Board takes an action that it is still the responsibility of the School District, am I correct?

Deputy City Clerk Johnson replied no.

Mayor Guinta replied not exactly because I believe RSA 199 requires us by law to accept it.

Alderman O'Neil stated just by them sending the letter it's ours.

Deputy City Clerk Johnson stated that is correct, your Honor.

Alderman Lopez stated I just wanted to make sure just as a point...that I do not agree with the Clerk...the Building Maintenance Department under Frank Thomas will be responsible but if they do not have the necessary funds we have to provide those funds through contingency in order to take care of the building...that is all I wanted to make sure that that was clear.

Mayor Guinta stated once this is referred to Lands and Buildings we can have an expedited meeting to determine what the appropriate use and/or disposal of the property would be.

Alderman Gatsas stated I guess my question is that there is a letter here dated December 19, 2005 for action taken December 12, 2005...we're some 30 days away from that date, does anybody know if the heats been maintained, has the building been maintained, has anything frozen, are we going to get a building that's in disrepair some 30 days later...I guess that's the question I have and I certainly would think that this Board would put the School District on notice that if there are major damages in that building that it's their responsibility up until the date this Board took a vote which would be today and I think that we should make that a very succinct motion from this Board to make sure that we don't walk into a building that could have four, five hundred thousand dollars worth of damage.

Mayor Guinta asked is that in the form of a motion.

Alderman Gatsas replied you have a motion on the floor, your Honor.

Deputy City Clerk Johnson stated I think you're going to take a vote on the motion that is on the floor and then perhaps the Public Works Director could be advised to check on that first thing in the morning and if there's an issue I'm sure he'll come back to the Board and the Board can so order whatever is appropriate.

Mayor Guinta called for a vote on the motion. There being none opposed, the motion carried.

Alderman Gatsas asked do I hear we're not making a motion or according to the Clerk...

Deputy City Clerk Johnson stated that's fine I just think that you want to be clear that the Public Works Director needs to contact the School District tomorrow regarding that.

Mayor Guinta asked as a directive from the Board or a motion?

Alderman Gatsas stated I think that something should go back to the School District because they've made a motion to us saying here it's your baby take care of it and that was some 30 days ago.

Mayor Guinta stated I'll accept a motion if one is on the floor.

Deputy City Clerk Johnson asked could we repeat the motion for our records please?

Alderman Gatsas moved that we send a letter to the School District advising them that as of December 19th or the 12th when their School Board committee passed a resolution that should have notified that we'd be maintaining the building up until this Board took the property over. I certainly don't think we should be walking in there some 30 days later not understanding what the condition of that building is, whether somebody's been maintaining it or not.

Alderman Shea duly seconded the motion.

Alderman O'Neil stated at this point in all of this it's a matter of who would be paying for it...isn't the same organization responsible for maintenance of it, am I correct, Frank...whether it's the School District or we take it over it's your Facilities Division that's responsible for it.

Mr. Frank Thomas, Public Works Director, stated we have already basically taken it over. We were aware that it was vacated. At some point in time, we may have to come back and look for funds to supplement the heating bills, etc. As far as a condition survey I don't know if our people have done that. If it hasn't been done we will do it.

Alderman Shea asked when was the last time it was inspected or has it been inspected at all since they moved out.

Mr. Thomas replied our people have been in ensuring that the heating system's are on and what not. I'm not sure if there's a report saying that the floors were dirty when they left.

Alderman Shea stated we're talking about major problems like water, pipes bursting, water through the roof, kids getting in there, vandalism and such. I think that's the big thing.

Mr. Thomas stated my understanding is we have taken it over. I will verify all that tomorrow and make sure that the building is maintained.

Alderman Shea stated you'll have to draw up a budget about heating too, how much it costs to heat it.

Mr. Thomas stated definitely...we have not been funded for that and I imagine we will be in the process of working on one and coming back to the Board.

Alderman DeVries stated the letter we received from the Manchester School District dated December 15th...December 15th was that before or after our meeting where we referred all matters to the next Board because that legally might...that was after...so they notified us after we had already as the Board of Mayor and Aldermen closed out our agenda for the year so we certainly wouldn't have had the opportunity to respond on this matter and I just think legally...I'm not sure how that sits...weighs in on the discussion for us or against us.

Mayor Guinta stated there's a motion on the floor.

Deputy City Clerk Johnson stated there is a motion on the floor...for the record we would note that this letter was actually received through the Solicitor's office on December 20th so it may have been written the 15th but I'm not sure we actually received it in the office until later...the motion on the floor was made by Alderman Gatsas, seconded by Alderman Shea to send a letter to the School District and I believe Mr. Thomas has since indicated that he has already gone to the building so I don't know if you want to keep that motion.

Mayor Guinta called for a vote on the motion. There being none opposed, the motion carried.

- 18.** Warrant to be committed to the Tax Collector for collection under the Hand and Seal of the Board of Mayor and Aldermen for the collection of sewer charges.

Alderman Osborne moved to commit the warrant in the amount of \$105,992.95 to the Tax Collector under the Hand and Seal of the Board of Mayor and Aldermen. Alderman Pinard duly seconded the motion. There being none opposed, the motion carried.

TABLED ITEM

19. Communication from Gerard Fleury, Executive Director of the Manchester Employee's Contributory Retirement System, advising that the System is seeking sponsorship in the NH Senate for three pieces of legislation in the 2006 session.

This item remained tabled.

NEW BUSINESS

Alderman Gatsas stated I think it would behoove this Board if we could possibly get from the Finance Department where there are a lot of projects that are in process and I know that some of those projects have funds being owed to the city at various timelines...I was wondering if the Finance Department could set us up by timeline on when payment should be made to the city vis-à-vis Bridge and Elm if there's something owed to us, the parking lot on Pearl Street...what the status of that is because I think they had until this month to report back...the baseball stadium and what's that owed and when those payments are due both from the developer, the hotel and the baseball field and whatever other projects we may have as a city that are due funds to us and closures...the parking garage that we sold...if we can get that, I, as an Alderman would certainly like to have some sort of timeline on when payment should be made to us so that we can ask those questions to not question whether payments have been made and not made and go forward.

Mayor Guinta asked does that require a motion or what?

Mr. Clougherty replied quarterly we provide the Board with a summary of CIP projects and what the status is and perhaps we could include a section along with that report to deal with this. Again, one of the issues that has been raised by the auditors over the years the lack of a central contract administration...we can put it in the ones we know about...we'll do that certainly right away and it'll take us a little bit longer to contact some departments.

Alderman Gatsas stated I'm concerned, Kevin, with the ones that your department comes before us as kind of the clerk of the works and kind of sells us on the projects...let's talk about the Pearl Street Parking Lot...that is something that we as a Board put in place...I don't know what that timeline is, I guess I would have to go back and check to see if it was December 31st or January 31st and when we were suppose to get a response because that was basically an option...I don't know if anybody's heard from anybody or if you've heard from them and not reported to the Board...not that you have to report to us but those are the timelines...Bridge and Elm...is there a payment that's due from Bridge and Elm. My concern is that I see that...there are only eight or nine units rented...we have a \$5 million garage there that I have some concerns with and I guess I'm looking at where are we at, what's due us and when are those timelines due and there are new Aldermen on this Board

that maybe quarterly would be a little late to see it. I think that we should be kept abreast rather than before calamity happens...that this is a timeline and we can ask the questions beforehand...those are the three major projects I should think. I would think that the Riverfront Stadium Committee hasn't met for five or six months...I don't know if we're within the budget, over the budget, under the budget...whether the punch holes have been made...I noticed there's big signage that's down there that's lit up at night that people are complaining about that they can't sleep...I don't know how that happened without the Riverfront Committee being involved in that but yes I'm kind of looking at some sort of answers from a Board because there are a lot of financial obligations that I don't know if we as a Board are being kept apprised of.

Mr. Clougherty stated certainly, Alderman, the major projects that Finance has been involved in will be on that list. I just wanted to make certain as I know that may not be an exhaustive or a 100% complete list because we may not have all of some of the smaller projects or projects from prior years that we weren't involved in. You may recall that most of those project are based on payments that are tied to the tax years so that we have payments coming in primarily during periods of taxation and the tax bills but we'll provide that and make that available to you.

Mayor Guinta asked by when?

Alderman Gatsas stated by next meeting I ask for.

Mr. Clougherty replied we'll do our best for the next meeting, Alderman.

Mayor Guinta stated could you make a note of that to make sure that we follow up as well to make sure that the Aldermen get what they're looking for.

Alderman Osborne stated I'd like to take a few minutes here...back on the third I voted or I abstained from voting for Chairman of the Board...I'd just like to express my feelings on it so everybody knows...my colleagues and my constituents and so on...I feel this way...it's nothing against any of my colleagues here but I was always kind of opposed to a Chairman of the Board when we have a Dean of the Board and I feel that all of the correspondence and anything that has to be known should come from the Mayor's office and his staff. We all have one vote here...that's all we have. Basically...I want to put this in the right fashion here...I think that's about it...I don't want to keep going on and on with it but the Mayor's office and the Dean of the Board could be the Chairman or we could appoint anybody if the mayor was gone or things of that sort. I think all it does is split the Board. We see this with the School Board almost with the 5 votes against the 10 votes there and it just has hard feelings between colleagues and I don't feel that it's necessary. Thank you.

Alderman DeVries stated actually I was looking to continue the discussion that Alderman Gatsas initiated...I'd like to add to that list projects that I'd like to see us tracking during the course of this year would be the Derryfield Country Club because those revenues that are being produced by the Derryfield Country Club in our lease agreement...their revenues tie the payment that they will be making to the city towards the bonding payments. So, I'd like to see how the actual projections or revenues...how the revenues come up against the projects that were presented to us when we got into that project. Thank you.

Mayor Guinta stated I certainly agree and I want every Board member to have that information...can those types of requests also be heard in Committee on Accounts.

Mr. Clougherty stated what usually happens is quarterly there are reports presented to the Committee on Accounts and those are referred to the full Board and we send them out to the full Board so everybody gets them.

Mayor Guinta asked have we tracked, in the past, project payments in Committee on Accounts?

Mr. Clougherty replied no you haven't and mainly it's different departments have different responsibilities.

Mayor Guinta stated maybe we consider making that a responsibility of the committee so there's some additional oversight.

Mr. Clougherty stated we'll certainly summarize all of the major projects...that was one of the ones that I had on the list...we'll make sure that that's included and we'll give you our best effort and certainly we can refine it.

Mayor Guinta stated that will come to the next Board and we'll follow up on that and then we can certainly have discussion regarding how often that should be discussed.

Mr. Clougherty stated if it's the Board's pleasure we continue that report and expand on it and include it as part of the Committee on Accounts report.

Alderman Smith moved to nominate David Cornell as Chairman of the Board of Assessors. Alderman Pinard duly seconded the motion.

Alderman Forest moved to nominate Stephan Hamilton as Chairman of the Board of Assessors.

Mayor Guinta asked is there a second.

Deputy City Clerk Johnson stated you don't need seconds for the nomination process.

Mayor Guinta asked are there any further nominations?

Alderman O'Neil asked do we need a motion to close nominations, your Honor. I would take a motion to close nominations.

Alderman O'Neil moved to close nominations. Alderman Pinard duly seconded the motion. There being none opposed, the motion carried.

Alderman Gatsas asked were the Assessor's actually a department head...have you had an opportunity, your Honor, to meet with both of these people or candidates that are there...all three of them...have you had conversation or communication with those where they would be actual department heads and even though they are officers of the city...have you had an opportunity to meet with them?

Mayor Guinta replied I have not. As Mayor I have not had an opportunity to discuss this with the Board or with the potential nominees and I think that's most likely because it is an appointment of the Board. I certainly wouldn't want to take any authority away from the Board but certainly would appreciate as someone who would have oversight over that department like every other certainly would have liked to have had the opportunity but there's no requirement in the Charter for that to occur.

Alderman Gatsas did either one of the three because obviously the third member didn't know whether we'd be appointing someone or your nominating somebody this evening...did any of the three people come up and talk to you about the desire before they talked to the Aldermen about the desire.

Mayor Guinta stated I don't believe before there was a discussion with the Aldermen but I was approached by two individuals.

Alderman Shea stated I find it very ironic that Alderman Gatsas wants you to have a meeting with them when at the last meeting that we had he nominated someone for that position. He nominated at our meeting on the seventeenth...he did not get unanimous consent but at that meeting he brought forward a candidate's name. So, I find it very ironic tonight that now he wants you to be involved in a process that is strictly ours so the Board can rule accordingly but I find that very ironic.

Alderman Gatsas stated the irony of it and I guess I'll take personal privilege on it seeing that Alderman Shea wants to talk about irony...the irony of it is that I heard that that rumor

was going to happen anyway. So, the irony is is that I try to bring it to the surface a little quicker that was the irony, Alderman.

Alderman Shea stated well that's not an irony that I follow, your Honor...I don't accept that. I had no rumor, your Honor.

Alderman Gatsas stated thank you...that's personal privilege, your Honor.

Mayor Guinta stated this is a serious appointment. I certainly respect the process and the procedure. I think certainly in the future it might be beneficial for the Board of Aldermen when it has the authority like this to set up somewhat of a more formal procedure but that's only a suggestion from the Chair, it's not a requirement. The Board of Aldermen has it's own procedure. I hope that at the very least everybody took part in that procedure and I hope that there's a formal procedure because this is a very serious position, we have a revaluation that's coming up in the city and we need the best person in that position. I have the utmost confidence in all of the three assessors and what they do and I believe that the Board does too. I certainly will accept the responsibility of the Board that the Board has to nominate this person and I certainly hope that the Board took it seriously.

Alderman Lopez moved to the nomination.

Mayor Guinta asked what would be in order now?

Deputy City Clerk Johnson replied the procedure would be that I will call the roll and each will state you they so choose of the nominations.

Mayor Guinta stated just for clarification this is a Board appointment...is there any action that the Mayor can take.

Deputy City Solicitor Arnold stated you can veto if you so choose.

Alderman Gatsas moved to table the nominations.

Mayor Guinta asked does that require a second?

Deputy City Clerk Johnson replied tabling would require a second.

Alderman Lopez interjected I thought you recognized me, your Honor.

Mayor Guinta stated a motion to table precedes all other motions.

Alderman DeVries duly seconded the motion to table nominations.

Mayor Guinta called for a vote on the motion to table. The motion failed on voice vote.

Mayor Guinta stated we're back to the original motion of Alderman Lopez.

Alderman Lopez stated I did not make not the original motion but I moved the motion to confirm the nomination.

Mayor Guinta stated the motion on the floor is to vote for the nominations before you.

Alderman Shea duly seconded the motion for discussion.

Alderman Shea stated maybe I didn't hear...if this is an aldermanic appointment how can you veto something.

Mayor Guinta stated I asked for a clarification regarding the rules and Deputy City Solicitor Arnold has ruled I assume that's by Charter.

Deputy City Solicitor Arnold stated both the rules of the Board of Mayor and Aldermen and the State Statutes provide that the Mayor has a veto on actions of the Board including appointments.

Alderman Shea stated so in other words if you're...we appoint people to three different offices...this is an Aldermanic appointment yet you can veto what we are exclusively involved with...I'm not quite sure I understand.

Mayor Guinta stated according to the Charter and RSA's. It's not set by the mayor it's by Charter and RSA, which I think, certainly makes Alderman Gatsas' point...

Alderman Gatsas stated I would think that before we bring any undue embarrassment to anybody that a veto does occur or doesn't occur, I would think this Board would give the new Mayor sitting here an opportunity to talk to the two individuals at least so that he has the ability to talk to them and understand it because I think Aldermen on this committee, on this whole Board have had the opportunity to talk to some of them and I guess my advice to one of them that called me and told me that they were looking for the appointment...my suggestion was that they talk to the Mayor...that I didn't have a problem but I thought it would be respectful that they would talk to the Mayor about it.

Alderman Lopez asked your Honor did you indicate or did I mishear you that you did talk to two people.

Mayor Guinta stated there were two indications made to me very informally that there was interest by two people but I had not until this afternoon had an opportunity to have any in depth conversation and I only had an in depth conversation with one person and that's because, quite honestly, it came as somewhat of a surprise to me that this action was going to happen this evening.

Again, I want to reiterate that I respect the role of the Aldermanic Board but one of the things that we have talked about prior to this term is certainly communication. I'm going to do everything I can as the new Mayor to communicate what I think is appropriate to the Board and there's going to be a lot of latitude provided there. I certainly respect the Aldermanic Board's responsibility here but in certain circumstances particularly when we are appointing what I consider to be a department head I think that...I would hope that there would be some communications forthcoming back to the Office of the Mayor and as far as I know there wasn't any communication from the Board to myself or my office...the inquiries came from the people who were interested. I had no knowledge until today that there was going to be some kind of vote this evening and again that's up to the Board.

Alderman Lopez stated there is a custom from the past that assessors in the past even talking to the Aldermen and going to the Aldermen and saying they want to be the chairman...whatever the case may be and that's been past practice. They did make an attempt to talk to you but you hadn't had an in depth conversation with them.

Mayor Guinta stated I had an inquiry about a month ago and then I had an inquiry on Friday and they were phone calls...nothing more, nothing less. So, again, if I were in the private sector that's probably not how I would go about hiring a department head but again it's the will of this Board and has the responsibility of making the decision. I certainly hope that there was a very formal and lengthy interview process because I think it demands it and it requires it. There are three appointments and I know the Board members individually take it seriously but let's consider...again, this would be a consideration that I would ask in the future that the Board set up some sort of process and procedure. You're putting in place someone very vital to the city. We all want to make sure that it's the right person and we all want to make sure that that person recognizes the faith that the Board and this city has in that individual and I'm glad to have the debate tonight but we're talking about serious things and I think that in the future we can probably talk about prior to getting to this level.

Alderman Shea stated I take my responsibilities as other members of this Aldermanic Board do...I met with the two people...met with them personally. I formulated questions, I read literature, I sat down with them, I asked them the same questions and took upon myself...once Alderman Gatsas brought up that subject at a meeting to make sure that I asked both of those people the same questions. So my decision is based on the reactions that I have, the observations and past experience having served on committees that selected these two individuals...one was an appraiser at one time, one is an assessor at one time. So basically I feel tonight that I can make a decision predicated upon my particular evaluation.

Mayor Guinta stated I appreciate you elaborating on that and that's the kind of dedication that we need to have with serious nominations and appointments. Is there any further discussion? I think there's a motion on the floor.

Aldermen Roy, Gatsas and Forest voted for Stephan Hamilton. Aldermen Long, Duval, Osborne, Pinard, O'Neil, Lopez, Shea, DeVries, Garrity and Smith voted for David Cornell. Alderman Thibault was absent.

Mayor Guinta stated congratulations, David, would you like to come up.

Alderman Forest moved to cast a unanimous ballot. Alderman Duval duly seconded the motion. There being none opposed, the motion carried.

Mayor Guinta stated thank you to the Board and congratulations, David, if you'd like to come up and say a few words.

Mr. David Cornell, newly appointed Chairman of the Board of Assessors, stated I'd like to assure the Board especially during the year of a revaluation our best efforts.

There being no further business to come before the Board, on motion of Alderman Pinard, duly seconded by Alderman Garrity, it was voted to adjourn.

A True Record. Attest.

City Clerk